

06/12/01
jc525 U.S. PTO

CERTIFICATE OF EXPRESS MAIL
EXPRESS MAIL NO.: EL 839286116 US
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jc973 U.S. PTO
09/880609
06/12/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: INRP:081USD1

Prior Application Examiner:
M. MOSHER

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Classification Designation:

Prior Group Art Unit: 1648

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/203,078 filed December 1, 1998, entitled "AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/203,078 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/203,078.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed _____ in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____.

☐ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$355.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$355.00
Total Claims	11 - 20 =	X	\$18.00 =	\$.00
Independent Claims	2 - 3 =	X	\$80.00 =	\$.00
Multiple Dependent Claim(s) -----				\$-0-.00

TOTAL FILING FEES:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
				\$355.00

- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10103791/INRP:081USD1/SLH.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Steven L. Highlander
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184
- ☒ 8. The prior application is presently assigned to Introgen Therapeutics, Inc.

TOTAL FILING FEES: \$355.00

- 0980609 "061301
TOTAL 608866
- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☒ 10. Cancel in this application claims 1-29 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☒ 11. Amend the specification by deleting the first paragraph on page 2 of specification and inserting the following paragraph --The present application is a divisional of co-pending application Serial No. 09/203,078 filed December 1, 1998, which was a continuation --in-part of co-pending U.S. Patent Application Serial No. 08/975,519 filed November 29, 1997 which is based on U.S. Provisional Patent Application Serial No. 60/031,329 filed November 20, 1996.--
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed , for use in this application. **Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.**

☐ 15. Other: _____.

☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

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600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: June 12, 2001

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